

Identity Theft

Security
Safety



Safeguard Your Legal Documents

THIS month's Hot Topics insert on identity theft alerts soldiers and family members to the need to protect personal information. Now, considering the growing concern for protecting information contained in legal documents, readers may be asking whether they should file papers such as wills, powers of attorney and DD 214 discharge certificates with a county recorders office.

The question is even more pertinent, considering recent news stories and e-mail messages claiming that people have become victims of identity theft when individuals who had authorized access to their records obtained personal information from documents to use for their own financial gain.

Unfortunately, these stories provided few details about the extent of the activities or the amount of harm done. But now everyone, including the crooks, has learned of a new method to commit fraud and theft.

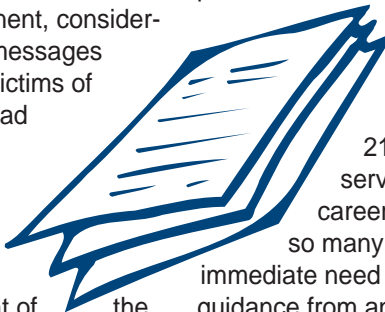
Why File With the County?

When staff members at one legal-assistance office asked clients why they thought it necessary to file legal documents with a county recorders office, without exception the retired soldiers said they had once been instructed by out-processing personnel to file their DD 214s in this way.

Other clients have come to a judge advocate's office seeking help in obtaining 10 or 20 certified true copies of DD 214s they received when they left service or reenlisted earlier in their careers. When asked why they needed so many copies, most said they had no

immediate need but were complying with the guidance from another office.

There is no legal requirement to file wills, DD 214s or powers of attorney with county recorders. In fact, doing so may later cause problems, due to the mobility of the military population. Problems frequently occur, for example, when a person who



Steven Chucala is chief of client services in the Office of the Staff Judge Advocate at Fort Belvoir, Va.

has discarded an original document relies on files in a county recorder's office. The hardship occurs when the document is needed but, after years of deployments and reassignments, no one can recall the state and county where the document may be filed.

Documents that should be filed in county offices include real-estate deeds, mortgages, liens and other papers that put the public on notice of your priority rights and that safeguard your interests.



Protect Your Personal Information

Don't routinely file DD 214s, wills or POAs with a county recorder's office. Do so only after consulting with your attorney and considering such factors as permanency of residence, your ability to expunge documents that have been filed, and alternative means of securing documents (such as placing them in a safety deposit box or using the Army and Air Force Mutual Aid Association repository program).

Also avoid making extra copies of documents, since this opens the possibility of unneeded and forgotten papers falling into the wrong hands. Your legal assistance office can always help you to obtain one or two certified true copies of a document, as you need them.

Once you have these copies, be extremely careful whom you give them to, because they contain an enormous amount of personal information. In the case of the DD 214, the government issues service members two copies of the form, one of which can be used as a valid certificate but is "sanitized" to protect certain information, such as adverse discharge information.

State Laws Are Changing

Rumbles of identity theft have reached state lawmakers. For example, the Virginia Legislature amended the state's statute concerning records filing and inspection. Effective July 2002, The Virginia Code was amended to provide that every circuit court clerk where a person discharged from the armed forces resides will record, free of charge, the original or a properly authenticated copy of the DD 214. Thereafter, the record will be protected by limited access and released to specifically listed individuals. Prior to the amendment, any person could request and review the DD 214 as a public record.

With the growing problem of identity theft, there have been increases in requests from veterans wanting to have their DD 214s expunged from public records. However, actions to remove the records are governed by the statutes of each state and rules of each county court. In Fairfax, Va., for example, the county will not expunge a DD 214 from its records except by court order.

When requesting assistance from a clerk of the court, clearly identify the document you are seeking and whether you're asking for a copy of the document or wish to have it expunged. The clerk can then explain the administrative process, the steps you must take, and what identification, fees and information you must provide to complete your request. □



For additional information on protecting your identity, refer to the Hot Topics insert in this issue. If the insert is missing, the information is available on our Web site at

www.soldiersmagazine.com